

**IN THE UNITED STATES DISTRICT COURT  
FOR THE WESTERN DISTRICT OF TEXAS  
AUSTIN DIVISION**

**ORLANDO RUIZ AND OSCAR  
DURANT, JR., ON BEHALF OF  
THEMSELVES AND ALL OTHERS  
SIMILARLY SITUATED,**

**Plaintiffs,**

**V.**

**ROCKHARD CO, LLC, ROCKHARD  
HOLDINGS, LLC, AND CARLOS R.  
ROMAN, INDIVIDUALLY,**

## Defendants.

**CIVIL ACTION NO. 1:25-CV-427**

## JURY DEMANDED

## COLLECTIVE AND CLASS ACTION COMPLAINT

**PROPOSED ORDER GRANTING**  
**DEFENDANTS' PARTIAL MOTION TO DISMISS**

Before the Court is Defendants' Partial Motion to Dismiss pursuant to Federal Rule of Civil Procedure 12(b)(6). Having considered the Motion, the record, and the applicable legal authority, the Court finds that the Motion should be granted in all respects. Accordingly, it is:

ORDERED that Defendants' Partial Motion to Dismiss is GRANTED; and it is further

ORDERED that the Plaintiffs' Rule 23 claims under Texas common law asserted in the Collective and Class Action Complaint for breach of contract, money had and received (a.k.a. unjust enrichment), and quantum meruit are dismissed with prejudice.

**IT IS SO ORDERED.**

SIGNED on this \_\_\_\_\_ day of \_\_\_\_\_, 2025.

UNITED STATES DISTRICT JUDGE